

Appl. No. : **09/878,719**
Filed : **June 11, 2001**

REMARKS

This response is being filed in response to the Notice. A complete listing of claims is provided herein to satisfy the requirement of 37 C.F.R. § 1.121. For convenience, the remarks contained in the Office Action response filed on May 30, 2007 are included herein, as well as sections regarding Related Applications and Disclaimers.

Claims 25 and 26 were pending in this application. Claims 1 through 24 were previously canceled. Claim 25 was amended as part of the Office Action response filed with the PTO on May 30, 2007. Accordingly, Claims 25 and 26 are presented for further consideration. The Office Action response filed on May 30, 2007 was accompanied by a Request for Continued Examination (RCE).

Rejections under 35 U.S.C. § 112

Claims 25 and 26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, these claims were rejected on the basis that the application lacks sufficient written disclosure for one of ordinary skill in the art to provide, without undue experimentation or burden, a cutout formed by a groove, whereby the leading edge of the groove extends forward to about longitudinally midway through the front half of the padding layer or that the groove is approximately one inch wide at a location midway between the front and back ends of the frame of the bicycle saddle.

In addition, Claim 25 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, Claim 25 was rejected on the basis that the phrase, "said leading edge of said groove extending forward to about longitudinally midway through said front half of said padding layer" is unclear and confusing.

Applicants do not concede that these rejections are correct. Nevertheless, in order to expedite allowance of this application, Claim 25 is amended herein. Applicants respectfully request reconsideration of the claims in view of the clarifying amendments to Claim 25. It is believed that in view of these clarifications, the rejections under 35 U.S.C. § 112 are moot, as the application adequately enables, describes and supports the claimed inventions.

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Declarations Filed under 37 C.F.R. 1.132

According to the Examiner, the declarations signed by Carl Bird, Mike Sinyard and Eric B. Edgecumbe were insufficient to overcome the rejection of Claims 25 and 26 based on 35 U.S.C. § 112, first paragraph. Applicants respectfully disagree with the Examiner's conclusion regarding these signed declarations. As discussed, in view of the amendments to Claim 25, Applicants submit that the declarations are unnecessary and the application is in condition for allowance. Thus, any issue regarding the Declarations is moot. However, Applicants reserve the right to submit the same or similar declarations at a later time.

Related Applications

Applicants draw the Examiner's attention to four U.S. non-provisional patent applications that are in the same patent family as the present application. Two of these applications, Application Nos. 09/452,546 and 09/583,348, have issued as U.S. Patent Nos. 6,106,059 and 6,244,655, respectively. The other two applications, Application Nos. 09/172,738 and 11/417,499, have become abandoned. All four of these applications are owned by the assignee of the present application.

The file histories of these four applications may contain office actions, office communications, amendments, attorney arguments, declarations, allowed claims or indications of allowable subject matter, terminal disclaimers, cited references or other materials that the Examiner may consider to be relevant and/or material to the present application. Applicants understand that the Examiner has access to these files on a continuing basis, including any present or future office actions, office communications, amendments, attorney arguments, declarations, allowed claims or indications of allowable subject matter, terminal disclaimers, cited references or other materials, for review if the Examiner believes these documents are in anyway relevant and/or material to the examination of the present applications. If, however, the Examiner does not have access to these files or would like Applicants to provide copies of any particular documents in these related applications, the Examiner is requested to contact the undersigned at the below listed phone number or at the address of record.

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No Disclaimers or Disavowals

By submitting this response, Applicants understand that reviewers of this application or any parent or child application or related prosecution history will not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application. However, in the event that such reviewers have a different understanding of this response, Applicants wish to note the following. Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue, at a later date, any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

CONCLUSION


As discussed, the Office Action response filed with the PTO on May 30, 2007 was accompanied by a Request for Continued Examination (RCE). In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are in condition for allowance. Applicants respectfully request reconsideration of the claims in light of the amendments and the above remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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